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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,400	02/19/2004	Teddie L. Blocker	713-67116	6366
24197	7590	12/20/2005	EXAMINER	
KLARQUIST SPARKMAN, LLP			SHAW, ELIZABETH ANNE	
121 SW SALMON STREET			ART UNIT	
SUITE 1600			PAPER NUMBER	
PORTLAND, OR 97204			3644	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,400

Applicant(s)

BLOCKER, TEDDIE L.

Examiner

Elizabeth A. Shaw

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10, 15, 16, 22-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 7, 11-14 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 15, 22-24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by the Dually Halter (www.horseinfo.com/cart/halter.html), see photo (www.robinsons-uk.com/product_images/zoom/56804-01.jpg). The Dually Halter shows a horse control device having a removable first nose band being elastic, extending over the horse's nose and a removable, non-elastic second nose band extending over the horse's nose fitting less tightly than the first nose band such that when tension is applied to the first nose band causing it to stretch, the second nose band portion applies pressure of the horse. The nose bands having a relatively smooth inner surface and one or more protuberances caused by the rounded edges of the elastic cords of the band to evenly apply pressure to the horse's nose. The horse control device also having cheek pieces positioned on opposite sides of the horse's head, coupled to the first and second nose pieces via rings/connection members on the end portions of each nose band and sewing further up the cheek pieces. The elastic nose band being removable by unhooking the attachment means affixed to an elongated chin strap below the horse's chin and removing the band from the rings/connection members in the cheek pieces. The connection members being sewn into the cheek pieces and are therefore

considered to be disconnectable. The biasing member/elastic band is considered to be shorter so that the material is forced to stretch and exert pressure on the horse's nose when tension is applied to the band by the owner but rests loosely when no tension is being applied.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over The Dually Halter in view of Cetrone (3,171,409). The Dually Halter does not teach the use of rubber. Cetrone shows a strap 11 capable of being used for a horse control device having raised area composed of rubber. With respect to claim 9, to use the rubber of Cetrone in the halter of Dually Halter would have been obvious to one skilled in the art in order to make the elastic portion of durable material and to reduce manufacturing costs.

Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Dually Halter in view of Ray (2,932,930). The Dually Halter does not teach the use of a chain. Ray shows a horse control device having a first nose band 18 and a second nose band 36 composed of a chain. With respect to claims 10 and 25, to use the chain of Ray with the horse control device of Dually Halter would have been obvious to one skilled in the art as a replacement of functional equivalents.

Claims 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Dually Halter in view of Phillips (6,371,056). The Dually Halter does not teach the use of an enclosed cable. Phillips shows a strap capable of being used as a horse control device composed of a cable 50 enclosed in an outer covering 49, see fig. 4. With respect to claims 16 and 29, to use the strap of Phillips with the horse control device of Dually Halter would have been obvious to one skilled in the art to provide a strong but flexible halter capable of withstanding rough use.

Allowable Subject Matter

Claims 7, 11-14 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Election/Restrictions

Applicant's election with traverse of Group I claims, 1-16 and 22-29 in the reply filed on July 13, 2005 is acknowledged. The traversal is on the ground(s) that there was no serious burden as the claims had already been searched and that the groups of claims are related. This is not found persuasive because there are still different embodiments and inventions present in the claims. The search was similar in a broad view but would need to be refined for further prosecution of each invention or species.

The requirement is still deemed proper and is therefore made FINAL.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference is: Bloch (WO 87/04693).

Art Unit: 3644

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw
Examiner
Art Unit 3644

September 23, 2005



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER